

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

*In re:*

SUREFUNDING, LLC,

Debtor.

Chapter 11

Case No. 20-10953 (LSS)

**Re: D.I. 529**

**OBJECTION TO MOTION FOR TURNOVER**

Klein LLC (the “Firm”), at the request and on behalf of CTJT Family Trust, HARRAY Holdings Trust, SCTOT, LLC, SureClick, LLC, Marketplace Capital Strategies, LLC, MCS US, LLC, Justin and Lorna Abernathy, the Justin Abernathy 2015 GRAT, Marketplace Advisors, LLC, Justin Abernathy, and Jason Abernathy (collectively, the “Abernathys”) hereby objects to the Trustee’s *Motion for Turnover* [D.I. 529; filed 9/26/24] (the “Turnover Motion”). In support hereof, the Firm respectfully states as follows:

1. The Trustee extended the deadline for the Abernathys to object to the Turnover Motion to October 25, 2024, at noon (the “Objection Deadline”). The Trustee also indicated that he would not further extend the Objection Deadline.

2. The Firm’s retention of the Abernathys has terminated and, concurrently herewith, the Firm filed the *Motion to Withdraw as Counsel* [D.I. 533] to the Abernathys (the “Motion to Withdraw”).

3. Even though the Firm’s retention of the Abernathys has terminated, the Firm, at the request and on behalf of the Abernathys, hereby files this objection to the Turnover Motion to preserve any rights the Abernathys may have with respect to it while the Court considers the Motion to Withdraw and the Abernathys secure new counsel. It is the Firm’s understanding that the Abernathys remain unclear about the scope of the relief requested in the Turnover Motion and

have concerns regarding the scope of the relief requested and the preservation of privileged materials. Additionally, it is the Firm's understanding that the Client File (as defined in the Motion) previously has been made available to the debtor's professionals in this case (which has been explained to counsel for the Trustee on several occasions), including to Ted Gavin of Gavin/Solmonese. The Trustee may want to ask Mr. Gavin for the Client File.

**CONCLUSION**

For the foregoing reasons the Firm, at the request and on behalf of the Abernathys, asks that the Turnover Motion be denied until the Abernathys concerns with respect thereto are adequately addressed and, if necessary, their rights be protected, and that the Abernathys be granted such further relief as is just and proper.

Dated: October 25, 2024  
Wilmington, Delaware

**KLEIN LLC**

/s/ Julia Klein  
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*Withdrawing Counsel for the Abernathys*